

LAW OFFICES OF JOEL B. RUDIN, P.C.

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May 27, 2016

ECF

Honorable Ramon E. Reyes
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Brown v. City of New York, et al.*
No. 15 Civ.4488 (KAM)(RER)

Dear Judge Reyes:

I am writing as per the Court's direction to provide a joint status report concerning discovery in this matter, a civil rights claim involving allegations of false arrest and excessive force in connection with Plaintiff's arrest in a vestibule or basement area outside a home in Brooklyn.

Plaintiff's Statement

During a telephone conference on May 4, Defendants agreed to provide IAB detectives' notes of at least two interviews with Plaintiff, subject to redaction if appropriate, and IAB investigative files relating to a number of complaints in other matters involving the same Defendants. Defendants also agreed to provide unredacted photographs from photo array or lineup procedures, subject to a protective order to be drafted by defense counsel, unless Defendants decided to oppose such disclosure altogether, with any defense motion to be filed no later than May 9. Defendants filed no such motion. But they also have supplied none of the documents in question. Mr. Ashanti has indicated he is about to disclose a couple of the investigative files, but hasn't explained the timing of the balance of the disclosure.

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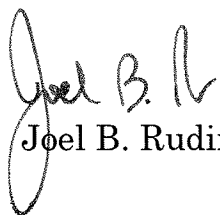
Other document discovery has been completed. We await this last discovery before scheduling depositions of Plaintiff, the police officers involved in the arrest, possibly one or more of the IAB investigators, and possibly the assistant district attorney who handled this matter for the Brooklyn D.A.'s Office before it was dismissed.

Plaintiff would like closure on this last aspect of discovery so this case can be advanced at a reasonable pace.

Defendants' Position

While defendants agree to provide unredacted photographs from photo array or lineup procedures, subject to a protective order, it was my understanding that the parties would collaboratively coordinate concerning the language of a proposed protective order. Apparently there has been miscommunication on that point. Accordingly, plaintiff's counsel and I will promptly submit a proposed protective order for the Court's review and prospective endorsement. The documents will then be immediately produced. We recently received the first two underlying files concerning the allegations identified as of interest to plaintiff and expect the balance to be received within the next two weeks. Thus, defendants expect to have the production completed by mid-June with the first installment being provided next week.

Respectfully submitted,



Joel B. Rudin

JBR/tp

cc: Karl J. Ashanti, Esq. (by ECF)
Assistant Corporation Counsel

Amy Rameau, Esq. (by ECF)
Co-Counsel for Plaintiff